

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION**

GARY A. DEARTH,
Plaintiff,

vs.

Case Number: 1:19-cv-418

Dlott, J.
Litkovitz, M.J.

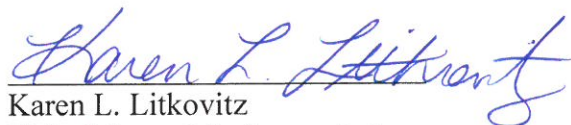
COMMISSIONER OF SOCIAL SECURITY,
Defendant.

**REPORT AND
RECOMMENDATION**

This matter is before the Court on the parties' joint motion to remand this case for further administrative proceedings pursuant to Sentence Four of 42 U.S.C. § 405(g) and to enter judgment in favor of plaintiff pursuant to Fed. R. Civ. P. 58. (Doc. 16). Pursuant to the parties' agreement, this matter shall be remanded back to the Commissioner for further administrative proceedings pursuant to Sentence Four of Section 205 of the Social Security Act, 42 U.S.C. § 405(g). Upon remand, the Appeals Council will vacate all findings in the Administrative Law Judge's decision. The Commissioner will remand the claim to an Administrative Law Judge to develop the administrative record as necessary to determine whether plaintiff is disabled within the meaning of the Social Security Act and issue a new decision.

IT IS THEREFORE RECOMMENDED THAT the parties' joint motion to remand (Doc. 16) be **GRANTED**; this case be **REMANDED** to the Commissioner of Social Security for further administrative proceedings; and the Clerk of Court enter a separate judgment as required by Fed. R. Civ. P. 58.

Date: 1/6/20


Karen L. Litkovitz
United States Magistrate Judge

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NOTICE TO THE PARTIES REGARDING THE FILING OF OBJECTIONS TO R&R

Pursuant to Fed. R. Civ. P. 72(b), **WITHIN 14 DAYS** after being served with a copy of the recommended disposition, a party may serve and file specific written objections to the proposed findings and recommendations. This period may be extended further by the Court on timely motion for an extension. Such objections shall specify the portions of the Report objected to and shall be accompanied by a memorandum of law in support of the objections. If the Report and Recommendation is based in whole or in part upon matters occurring on the record at an oral hearing, the objecting party shall promptly arrange for the transcription of the record, or such portions of it as all parties may agree upon, or the Magistrate Judge deems sufficient, unless the assigned District Judge otherwise directs. A party may respond to another party's objections **WITHIN 14 DAYS** after being served with a copy thereof. Failure to make objections in accordance with this procedure may forfeit rights on appeal. *See Thomas v. Arn*, 474 U.S. 140 (1985); *United States v. Walters*, 638 F.2d 947 (6th Cir. 1981).